

SENATE BILL 2891

By Fowler

AN ACT to amend Tennessee Code Annotated, Title 12, Chapter 4, Part 1 and Title 54, Chapter 5, relative to specific service and other signs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 54-5-1102, is amended by deleting the section in its entirety and by substituting instead the following:

Section 54-5-1102.

(a) The department has the authority to provide for the construction and administration of specific service signs.

(b) The department is authorized to enter into contracts for the administration and construction of specific service signs based upon a request for proposals process. Such contracts shall be subject to the provisions of §§ 54-5-113, 54-5-119, 54-5-120, 54-5-121, 54-5-122, 54-5-123, 54-5-124, 54-5-125, 54-5-126 and 54-5-127.

(c) The request for proposals process will invite prospective proposers to participate and will indicate the service requirements, including, but not limited to, the marketing, management, maintenance and rental rates of specific service

signs. Such proposals shall be evaluated based on the proposer's qualifications, the amount of return generated by the proposer for the state and any additional factor or factors deemed relevant by the department. The contract for such services shall be awarded to the best-evaluated, responsive proposer.

SECTION 2. Tennessee Code Annotated, Title 54-5-1103, is amended by deleting the section in its entirety and by substituting instead the following:

Section 54-5-1103.

(a)

(1) Except as provided in this part, the department shall enter into contracts for the administration of specific service signs based upon a request for proposals process. The department may, however, carry out the administration of specific service signs to provide continuity of the program in the case of default of an administrative contractor, or in the interim period between administrative contracts, and to fulfill statutory or regulatory changes made to the program during an existing administrative contract where the administrative contractor is unwilling to provide for statutory or regulatory additions to the program under the terms of the existing contract, and such other terms as the department deems appropriate.

(2) Contracts for administrative services shall be subject to the applicable provisions of §§ 12-4-109 - 12-4-111. Contracts for administrative services include the marketing, management, and maintenance of specific service signs. Any administrative services contract awarded must include provisions requiring an appropriate corporate surety performance bond, security or cash.

(b) Nothing herein contained shall be construed as preventing the commissioner from determining whether provision of administrative services for the entire state should be the basis for request for proposals, or whether the provision of such services for segments of the state should be the basis for request for proposals.

SECTION 3. Tennessee Code Annotated, Section 54-5-1104, is amended by deleting the section in its entirety.

SECTION 4. Tennessee Code Annotated, Section 54-5-1106, is amended by deleting the section in its entirety.

SECTION 5. Tennessee Code Annotated, Section 54-5-1304, is amended by deleting the language "pursuant to § 12-4-109(a)(2)" and by substituting instead the following:

pursuant to the regulations promulgated by the department

SECTION 6. Tennessee Code Annotated, Section 12-4-109(a), is amended by deleting subdivision (2) in its entirety.

SECTION 7. Tennessee Code Annotated, Section 12-4-111, is amended by deleting subdivision (3) in its entirety.

SECTION 8. Nothing in this act shall be construed to rescind, impair or affect any contracts in effect on June 30, 2002, and shall only apply to contracts entered into, or renewed after, July 1, 2002.

SECTION 9. This act shall take effect July 1, 2002, the public welfare requiring it.